

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-V-

BRUCE MORRIS,

Defendant.

S2 24-CR-358 (JMF)


ORDER

JESSE M. FURMAN, United States District Judge:

Attached to this Order are Court Exhibits 1-18.

SO ORDERED.

Dated: January 23, 2025
New York, New York


JESSE M. FURMAN
United States District Judge

JURY NOTE

We would like to request the complete testimony of Wilfredo Rivera.

Date: 1/17/2025

Time: 2:05 PM

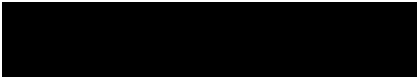

Foreperson's signature

JURY NOTE

We would like to request a transcript of Ms. Simmons' testimony, starting at when she heard arguing and started looking through the peephole.

Date: 1/17/2025

Time: 2:41 PM


Foreperson's signature

JURY NOTE

We would like to seek clarification regarding our verdict for count one. If we do find the defendant guilty, are we required to check either of the options for (1) or (2) or is it permissible to leave blank?

For calculating the quantities in count one, can we receive clarification on

- a) the years in consideration
- b) the number of people in consideration

~~§~~

Date: 1/17/25

Time: 3:29 PM



Foreperson's signature

UNITED STATES v. MORRIS, S2 24-CR-358 (JMF)
RESPONSE TO JUROR NOTE DATED JANUARY 17, 2025, AT 3:29 P.M.

1 Your third note, from the very end of the day on January 17, 2025, posed two questions.
2 First, you asked whether, if you find the defendant guilty on Count One, the drug conspiracy
3 charge, you are “required to check either of the options for (1) or (2) or is it permissible to leave
4 [them] blank.” And second, in connection with calculating quantities, you asked for clarification
5 on “(a) the years in consideration” and “(b) the number of people in consideration.” Let me
6 answer those questions in reverse order.

7 The Indictment alleges that the conspiracy charged in Count One took place from at least
8 in or about 2014 through in or about 2023 (although I remind you that it is sufficient if you find
9 that the charged conspiracy existed around the dates set forth in the Indictment). It is entirely up
10 to you to determine whether that conspiracy existed; if so, whether the defendant was a member
11 of it; and if so, what the duration of the conspiracy was and who the other member or members
12 of the conspiracy were. In making these determinations, you should consider the instructions I
13 previously gave you, at pages 16-21 of my instructions, regarding what a conspiracy is and what
14 it means to be a member of a conspiracy.

15 In determining the type and quantity of drugs attributable to the defendant, you should
16 consider both (1) all drug transactions during the life of the conspiracy, whether completed or
17 merely intended, in which the defendant personally participated; and (2) any transactions
18 completed or intended during the life of the conspiracy by other members of the conspiracy that
19 were reasonably foreseeable to the defendant.

20 In response to your question about the Verdict Form: If you were to find the defendant
21 guilty of Count One, you may leave Questions 1 and 2, which ask you about the type and

1 quantity of drugs involved in the conspiracy, blank. That means, if you were to find the
2 defendant guilty of Count One, you would have three options with respect to type and quantity:

3 First, you should leave questions 1 and 2 blank if you do not unanimously agree that the
4 Government proved beyond a reasonable doubt that the conspiracy involved at least 28 grams of
5 crack cocaine or at least 100 grams or more of heroin.

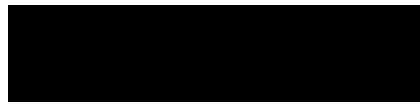
6 Second, you should check the appropriate box if you unanimously agree that the
7 Government proved beyond a reasonable doubt that the conspiracy involved either (a) at least 28
8 grams, but less than 280 grams of crack cocaine; or (b) at least 100 grams, but less than 1
9 kilogram of heroin.

10 Or third, you should check the appropriate box if you unanimously agree that the
11 Government proved beyond a reasonable doubt that the conspiracy involved either (a) at least
12 280 grams of crack cocaine or (b) at least 1 kilogram of heroin.

Regarding count two, can we please have clarification on point (2). Are we determining whether any firearm was discharged? or if the gun brandished by the defendant was discharged? or if the defendant discharged the gun?

Date: 1/21/2025

Time: 10:03 AM



Foreperson's signature

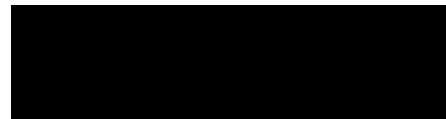
UNITED STATES v. MORRIS, S2 24-CR-358 (JMF)
RESPONSE TO JUROR NOTE DATED JANUARY 21, 2025, AT 10:03 A.M.

1 If you find the defendant guilty on Count Two — that is, you find that the Government
2 proved beyond a reasonable doubt that the defendant, during and in relation to the drug
3 conspiracy charged in Count One, knowingly used and carried a firearm or, in furtherance of that
4 conspiracy, possessed a firearm, or aided and abetted the same — you must then indicate
5 whether the Government has proved beyond a reasonable doubt that the defendant “brandished”
6 a firearm and whether the Government has proved beyond a reasonable doubt that a firearm was
7 “discharged.” You may find that any firearm was “discharged” so long as it was a firearm that
8 formed the basis for your conviction on Count Two and it meets the definition of “discharged”
9 set forth on page 28 of the instructions. So too, you may find that any firearm was “brandished”
10 so long as it was a firearm that formed the basis for your conviction on Count Two and it meets
11 the definition of “brandished” set forth on page 28 of the instructions; it need not be the same
12 firearm, if any, that you find was “discharged.” Finally, to find that a firearm was “discharged,”
13 it is sufficient for you to find that any firearm that formed the basis for your conviction on Count
14 Two was “discharged”; you need not find that the defendant himself caused the discharge.

IF we were to find the defendant guilty of count TWO, is it required that we answer both (1.) and (2.) with a proved or not proved decision, or is it permissable to leave one or both of those questions blank?

Date: 1/21/2025

Time: 11:30 AM



Foreperson's signature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET, ROOM 2202
NEW YORK, N.Y. 10007

JESSE M. FURMAN
United States District Judge

(212) 805-0282
Jesse_furman@nysd.uscourts.gov

January 21, 2025

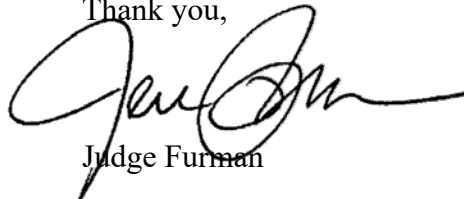
To the Members of the Jury:

We received your note, dated today at 11:30 a.m., asking whether, if you find the defendant guilty of Count Two, you need to answer the questions on the Verdict Form about brandishing and discharge or you may leave them blank.

You must answer each of those questions. That is, if all of you agree that the Government has proved beyond a reasonable doubt “brandishing,” as I explained that term to you, you should indicate “proved” in response to Question 1 under Count Two; if all of you agree that the Government has not proved “brandishing” beyond a reasonable doubt, you should indicate “not proved” in response to that Question. So too, if all of you agree that the Government has proved beyond a reasonable doubt “discharge,” as I explained that term to you, you should indicate “proved” in response to Question 2 under Count Two; if all of you agree that the Government has not proved “discharge” beyond a reasonable doubt, you should indicate “not proved” in response to that Question.

Thank you for your patience.

Thank you,

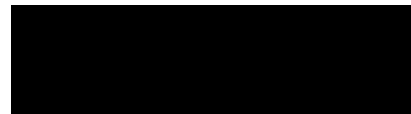
A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over the printed name 'Judge Furman'.

Judge Furman

If we are unable to come to an agreement on one point of a count (for example, point (2.) of count Two), what would be the next steps?

Date: 1/21/2025

Time: 1:02 PM



Foreperson's signature

UNITED STATES v. MORRIS, S2 24-CR-358 (JMF)
RESPONSE TO JUROR NOTE DATED JANUARY 21, 2025, AT 1:02 P.M.

1 As I instructed you on Friday, in order to return a verdict in this case, each juror must
2 agree as to each count and, if you were to reach them, as to each of the questions posed on the
3 Verdict Form. In other words, your verdict on all issues must be unanimous. You should,
4 therefore, consider all the evidence in the case and fully deliberate upon that evidence in a
5 conscientious manner. Remember to follow all of my instructions, including my instruction that,
6 at all times, the Government has the burden of proof beyond a reasonable doubt. Also remember
7 your oath, when you were sworn in as jurors, that you would try this case and attempt to render a
8 true verdict according to the evidence and the law.

9 Although each juror must decide the case for him or herself, this should be done after an
10 impartial consideration of all the evidence with your fellow jurors. In the course of your
11 deliberations as a juror, you must examine everybody's point of view. You should not hesitate to
12 reexamine your own views and to change your opinion if you are convinced that it is erroneous.
13 There is no reason to believe that if this case were to be tried again that another jury would be
14 any more intelligent, more impartial, or more competent to decide than you are. At the same
15 time, no juror should surrender his or her honest conviction as to the weight or the effect of the
16 evidence to his fellow or her fellow jurors or for the purpose of returning a verdict; it is your
17 right to fail to agree if your honest conviction requires it.

18 I would like to suggest at this time that you return to the jury room and reflect upon what
19 I've said and resume your deliberations for such time as you, in your judgment, feel to be
20 reasonable.

JURY NOTE

We are unable to come to a unanimous decision regarding two of the counts on the verdict form.

Date: 1/21/2025

Time: 2:46 pm

A solid black rectangular box used to redact the signature of the foreperson.

Foreperson's signature

UNITED STATES v. MORRIS, S2 24-CR-358 (JMF)
RESPONSE TO JUROR NOTE DATED JANUARY 21, 2025, AT 2:46 P.M.

1 You can return a verdict on some counts and/or questions but not all counts and/or
2 questions. If you have reached a unanimous agreement only as to some of the counts or
3 questions in the Verdict Form, you may, but you are not required to, return a verdict on those
4 counts and/or questions on which you all agree. If you do that, your verdict on those counts
5 and/or questions will be final and cannot be changed or revisited in any way. Also, if you return
6 a verdict only as to some of the counts and/or questions, I may ask you to continue deliberating
7 on the remainder of the counts and/or questions. Alternatively, you can wait until you have
8 concluded all deliberations on all counts and questions to return the Verdict Form.

9 So to summarize, you may (1) return a verdict on any count and question on which you
10 all agree and then continue deliberating on other unresolved counts and/or questions; (2) wait
11 until all deliberations are concluded to return a verdict on all counts and questions or tell me you
12 are deadlocked on all counts and questions; or (3) return a verdict on any count and/or question
13 on which you all agree and inform me that you are deadlocked on the unresolved counts and/or
14 questions.

15 Remember, any verdict you return must be unanimous. No juror should vote for any
16 verdict unless, after full discussion and consideration and exchange of views, it represents his or
17 her considered judgment and conscientiously held belief. Finally, I want to remind you again to
18 consider all of my instructions as a whole and that the Government bears the burden of proving
19 each element on every charge beyond a reasonable doubt.

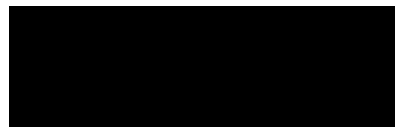
20 Please retire and continue deliberations.

JURY NOTE

We have reached a verdict on some of the counts and questions and are deadlocked on the unresolved counts and questions, which we have left blank.

Date: 1/21/2025

Time: 3:57 PM



Foreperson's signature

Please Turn to the Next Page

Count Two – Firearms Offense

As to Count Two, how do you find the defendant BRUCE MORRIS?

Guilty ✓ Not Guilty _____

If and only if you find defendant guilty of Count Two, please answer the following two questions:

1. Did the Government prove that a firearm was brandished?

Proved ✓ Not Proved _____

2. Did the Government prove that a firearm was discharged?

Proved _____ Not Proved _____

Count Three – Murder Using a Firearm

As to Count Three, how do you find the defendant BRUCE MORRIS?

Guilty _____ Not Guilty _____

Count Four – Murder While Engaged in a Drug Conspiracy

As to Count Four, how do you find the defendant BRUCE MORRIS?

Guilty _____ Not Guilty _____

Please Turn to the Next Page

After completing the Verdict Form, please sign your names below and fill in the date and time.

[Redacted]

Foreperson

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Date and Time:

1/21/2025

3:56 PM

Once you have signed the Verdict Form, please give a note — NOT the Verdict Form itself — to the Court Security Officer stating that you have reached a verdict. The foreperson should retain the official Verdict Form to be handed to the Judge in open court.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET, ROOM 2202
NEW YORK, N.Y. 10007

JESSE M. FURMAN
United States District Judge

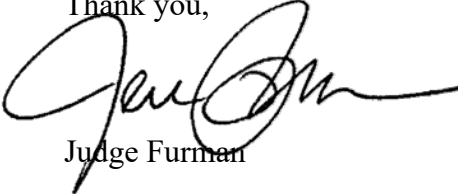
(212) 805-0282
Jesse_furman@nysd.uscourts.gov

January 21, 2025

To the Members of the Jury:

Since you returned the Verdict Form to me in connection with your partial verdict, I am giving you another Verdict Form to use in connection with your continuing deliberations and, should you reach a verdict on any of the open counts and questions, in returning that verdict. As you will see, I have stricken the counts and questions as to which you already returned a verdict.

Thank you,

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over the printed name 'Judge Furman'.

Judge Furman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA,
:
:
-v- : S2 24-CR-358 (JMF)
:
:
BRUCE MORRIS,
:
:
Defendant. : VERDICT FORM
:
-----X

All Answers Must Be Unanimous

Count One – Drug Conspiracy

~~As to Count One, how do you find the defendant BRUCE MORRIS?~~

~~Guilty~~ _____ ~~Not Guilty~~ _____

If and only if you find defendant guilty of Count One, please answer the following two questions:

1. Did the conspiracy charged in Count One involve (do not check more than one):

At least 280 grams of cocaine base _____

More than 28 grams but less than 280 grams of cocaine base _____

2. Did the conspiracy charged in Count One involve (do not check more than one):

At least one kilogram of heroin _____

More than 100 grams but less than one kilogram of heroin _____

Please Turn to the Next Page

Count Two – Firearms Offense

As to Count Two, how do you find the defendant BRUCE MORRIS?

~~Guilty~~ _____ ~~Not Guilty~~ _____

If and only if you find defendant guilty of Count Two, please answer the following two questions:

~~1. Did the Government prove that a firearm was brandished?~~

~~_____ Proved _____ Not Proved _____~~

2. Did the Government prove that a firearm was discharged?

Proved _____ Not Proved _____

Count Three – Murder Using a Firearm

As to Count Three, how do you find the defendant BRUCE MORRIS?

Guilty _____ Not Guilty _____

Count Four – Murder While Engaged in a Drug Conspiracy

As to Count Four, how do you find the defendant BRUCE MORRIS?

Guilty _____ Not Guilty _____

Please Turn to the Next Page

After completing the Verdict Form, please sign your names below and fill in the date and time.

Foreperson

Date and Time: _____

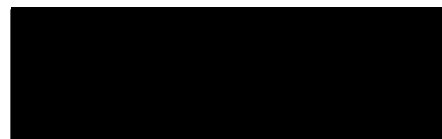
Once you have signed the Verdict Form, please give a note — NOT the Verdict Form itself — to the Court Security Officer stating that you have reached a verdict. The foreperson should retain the official Verdict Form to be handed to the Judge in open court.

JURY NOTE

We would like clarification regarding the definition of 'conduct' in count Three - second Element: causing death. ~~How can a guilty verdict for federal drug conspiracy be considered an example of conduct?~~ Should we only consider conduct that occurred on or about August 11, 2016?

Date: 1/22/2025

Time: 1:58pm



Foreperson's Signature

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET, ROOM 2202
NEW YORK, N.Y. 10007

JESSE M. FURMAN
United States District Judge

(212) 805-0282
Jesse_furman@nysd.uscourts.gov

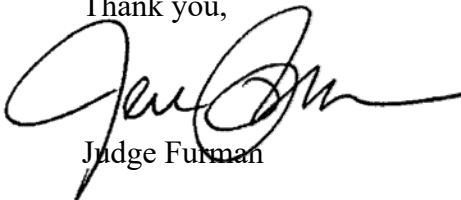
January 22, 2025

To the Members of the Jury:

We received your note, dated today at 1:58 p.m., asking whether, in connection with the second element of Count Three, you should “only consider conduct that occurred on or about August 11, 2016.” Count Three charges that, on or about August 11, 2016, the defendant knowingly used or carried a firearm during and in relation to the drug conspiracy, or possessed a firearm in furtherance of the conspiracy, resulting in murder. In connection with that charge, therefore, you should indeed only consider conduct that occurred on or about August 11, 2016.

Thank you for your patience.

Thank you,

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over the printed name 'Judge Furman'.

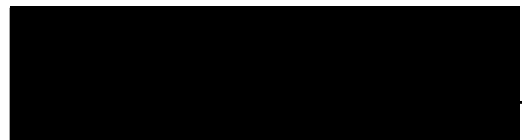
Judge Furman

JURY NOTE

We continue to be deadlocked on all of the remaining counts and ~~and~~ questions. We feel we have concluded all productive deliberations.

Date: 1/22/2025

Time: 3:35 pm



Foreperson's Signature